

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH CUNNINGHAM,
Plaintiff,

v.

ALBRIGHT COLLEGE, JACQUELYN FETROW,
KAREN CAMPBELL and MARY MCGEE,
Defendants.

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No. 5:20-cv-01429

ORDER

AND NOW, this 23rd day of December 2020, upon consideration of Defendants' partial Motion to Dismiss for Failure to State a Claim, ECF No. 11, Plaintiff's response thereto, ECF No. 13, and for the reasons set forth in the Court's Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' partial motion to dismiss, ECF No. 11, is **GRANTED as follows:**
 - A. The Title VII claim, Count IV, and ADEA claim, Count V, are dismissed without prejudice as to Albright College. The Title VII claim, Count IV, and ADEA claim, Count V, are dismissed with prejudice as to Defendants Jacquelyn Fetrow, Karen Campbell, and Mary McGee.
 - B. The Equal Pay Act claim, Count III, is dismissed without prejudice as to Defendants Jacquelyn Fetrow, Karen Campbell, and Mary McGee. The Equal Pay Act claim, to the extent it seeks to recover for paychecks issued prior to February 28, 2018, is dismissed without prejudice as to Albright College. The claim may proceed against Albright College to the extent it seeks to recover for disparate paychecks after February 28, 2018.

C. Counts I, II, and VI are dismissed without prejudice as to all Defendants.

D. The breach of contract claim, Count VII, is dismissed without prejudice as to all Defendants.

2. **Within twenty days of the date of this Order**, Plaintiff may, consistent with the Court's Opinion, file an amended complaint as to those claims dismissed without prejudice.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge